

Atty. Dkt. No. 042397-0201

Applicant respectfully submits that the Examiner is incorrect that the function of encoded proteins would be needed. For uses such as characterization of disease state, the differential expression of particular genes or gene expression patterns provide the information without a requirement for knowledge of the function of particular genes. While such knowledge may be desirable for studying a particular gene, it is not necessary for substantial uses contemplated for the present invention.

Thus, Applicant's analogy in the previous response to laboratory equipment is, in fact, appropriate, as the present invention provides tools for work with cells, tissues, and diseases or other pathological conditions. Thus, the present claimed invention does have substantial utility.

Rejections under 35 USC § 112

The Examiner rejected claims 1, 3, 13, 21, and 29-68 under 35 USC § 112, first paragraph as allegedly containing subject matter that was not described in the specification in a way such as to reasonably convey to one of ordinary skill in the art that Applicant was in possession of the invention. The Examiner asserted that Applicant ignored the issue that the specification does not teach the complete structure of cDNAs or complete genes. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the issue is not whether the nucleotide sequence of complete cDNAs is provided, but instead whether the specification provides sufficient identifying characteristics concerning the cDNAs. In the present case, Applicant's description of unique identifying sequences provides unequivocal identification of the corresponding cDNAs, as well as providing means for others to obtain the full length sequences. Therefore, Applicant has provided all that is needed for one of ordinary skill in the art, demonstrating that Applicant was indeed in possession of the claimed invention. The Examiner rather than providing any reason why one of ordinary skill in the art would require description of full length sequences before recognizing that Applicant was in possession of the claimed invention, the Examiner provides only the conclusory assertion that full-length sequence description is needed.

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In addition, Applicant respectfully submits that the present rejections are inapplicable to claims 29-68, that each specifies that the claimed sequence "consists of" the sequence specified by a particular SEQ ID NO. Thus, contrary to the Examiner's assertion, each of the sequences specified in these claims is fully described in the specification.

In view of the above comments, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding rejections.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic interview would advance the prosecution of the present application.

Applicant hereby requests a two-month extension of time, to allow timely filing up to and including January 7, 2002. A check for the fee for that extension and for the RCE is enclosed.

No additional fee is believed due in connection with this communication. However, if any additional fee is due, kindly charge the appropriate amount to Deposit Account 50-0872.

Respectfully submitted,

Date 7 January 2002

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6714
Facsimile: (858) 792-6773

By Wesley B. Ames

Wesley B. Ames
Attorney for Applicant
Registration No. 40,893